

**Bescheid/Protokoll (Anlage)****Communication/Minutes (Annex)****Notification/Procès-verbal (Annexe)**Datum
Date 14.08.2007Blatt
Sheet 1
FeuilleAnmelde-Nr.:
Application No.: 03 103 406.9
Demande n°:

The examination is being carried out on the following application documents:

Description, Pages

2-10, 13-15, 17-22, 24, 25 as originally filed

1 received on 15.12.2005 with letter of 14.12.2005

1a, 11, 12, 16, 23 received on 26.10.2006 with letter of 26.10.2006

Claims, Numbers

1-25 received on 26.10.2006 with letter of 26.10.2006

Drawings, Figures

1-8 as originally filed

1) The following document is cited by the examiner (see the Guidelines, C-VI, 8.7). A copy of the document is annexed to the communication and the numbering will be adhered to in the rest of the procedure:

D6: US-B-6348811 (Haycock et al.) 19.02.2002

2) With the letter dated 26.10.2006 the applicant has amended the application. In the following argumentation reference is made to this reply.

The application still does not fulfil the requirements of the EPC, the reasons being the following:

3) The applicant argues in his letter that D5 does not disclose a second switchable path from the second unit to the first unit (see the letter of the applicant p. 2, last two par.). It is agreed on this side that D5 does not explicitly describe such a second channel. Therefore claim 9 is new over D5.

However the attention of the applicant is directed to the fact that D5 teaches a test of multiple serial ports (see p. 10, l. 26-29). It is obvious for a skilled person that the scope of such multiple serial ports is also comprising well known bidirectional transceivers (see e.g. D6, Fig. 8 (100/102 or 200/202) and col. 7, l. 16-23, whereby test data is transmitted from one transceiver to another one) and that the transmitters and the receivers of such transceivers can be tested according to the test configuration of D5/Fig. 2. The use of two anti-parallel channels of D5/Fig. 2 which are both permanently connected to such transceivers would not work since these channels would influence each other.

In a first approach an obvious solution for applying the teachings of D5 for testing of bidirectional transceivers would be to switch one channel of D5/Fig. 2 so that the input side



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250/252 is at first connected to the first transceiver and the output side 278/280 to the second transceiver and for the second test to connect the input side 250/252 to the second transceiver and the output side 278/280 to the first transceiver. However even this obvious solution seems to fall into the meaning of the present claim 1: the connection lines to the necessary switching circuitry would already constitute a first and a second channel.

The applicant should further note that even when he changes claim 1 such that two antiparallel switchable channels each comprising a conditioning circuit are defined an easy way to go around such a definition would be to use the stated solution of one channel comprising only one conditioning unit and switch the direction of said channel.

In a second approach starting from the hint of using multiple channels (see D5, p. 10, I. 28-29) it is also clear that said multiple channels cannot be connected permanently both to the same terminals, since this would create a (probably unstable) loop circuit. Therefore it is obvious for a skilled person to selectively switch such channels.

These considerations show that a skilled person who wants to test such transceivers with the test method of D5 would in every case come to a solution as proposed in claim 1 of the present application. Such a straightforward and single way solution does not involve an inventive step in the sense of Article 56 EPC.

3.1) Claim 20

The definition of method claim 20 is even broader than the corresponding device claim 1: in claim 20 it is not defined that the signals on both path originate from or go to the same terminal of the first and second units. Therefore the argumentation against claims 1 also applies against claim 20.

3.2) The additional features of claims 2-12, 14, 16-19 (corresponding to original claims 17-20), 21-24 (corresponding to original claims 22-25) are also known from D5 (see section 4.3 in the official communication dated 30.06.2006).

3.3) The additional features of claims 13 and 25 (corresponding to original claim 26) are obvious (see section 5 in the official communication dated 30.06.2006).

4) The objections raised above are such that there appears to be no possibility of overcoming them by amendment. Refusal of the application under Article 97(1) EPC is therefore to be expected.



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Accordingly, the Applicant is summoned to oral proceedings according to Art.116 EPC.

During these oral proceedings, all the defects of the present application will be discussed. In particular, the discussion will focus on the subject-matter lined out in this and in the previous communications. If the Applicant wishes so, he can submit amendments until one month before the date of the Proceedings.

If doing so, in order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

Oral Proceedings appointed by the EPO will be cancelled and another date fixed only if the party concerned can advance serious reasons which justify the fixing of a new date. The request to fix another date shall be filed as soon as possible after the grounds preventing the party concerned from attending the oral proceedings have arisen. The request shall be accompanied by a sufficient substantiated written statement indicating these reasons. Serious substantive reasons to request the change of the date for oral proceedings may be, for instance:

a previous notified summons for oral proceedings of the same party in other proceedings before the EPO or a national court, serious illness, a case of death within the family, the marriage of a person whose attendance in oral proceedings is relevant, military service or other obligatory performance of civic duties, holidays which have already been firmly booked before the notification of the summons to oral proceedings.